

Matthew Borden, Esq. (SBN: 214323)  
[borden@braunhagey.com](mailto:borden@braunhagey.com)  
David H. Kwasniewski, Esq. (SBN: 281985)  
[kwasniewski@braunhagey.com](mailto:kwasniewski@braunhagey.com)  
BRAUNHAGEY & BORDEN LLP  
747 Front Street, 4th Floor  
San Francisco, CA 94111  
Tel: (415) 599-0210  
Fax: (415) 276-1808

*Attorneys for Defendant  
Beyond Better Foods, LLC*

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

DIANE HUNTER, individually, and on behalf  
of those similarly situated,

Plaintiff,

v.

BEYOND BETTER FOODS, LLC,

Defendant.

Case No. 2:24-cv-02486-DC-SCR

**DEFENDANT BEYOND BETTER  
FOODS, LLC'S NOTICE OF MOTION  
AND MOTION TO DISMISS**

**Date:** February 7, 2025  
**Time:** 1:30 p.m.  
**Courtroom:** 8, 13th Floor  
**Judge:** Hon. Dena M. Coggins  
**Action Filed:** September 12, 2024  
**Trial Date:** None set

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that on February 7, 2025, at 1:30 p.m., or as soon thereafter as this matter may be heard in the courtroom of the Honorable Dena M. Coggins, in Courtroom 8 on the 13th Floor of the United States District Court for the Eastern District of California, Robert T. Matsui United States Courthouse, located at 501 I Street, Sacramento, California 95814, Defendant Beyond Better Foods, LLC will and hereby does move this Court, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), for dismissal of Plaintiff Diane Hunter's First Amended Complaint (ECF 13), in its entirety.

This motion is based on the concurrently filed Memorandum of Points and Authorities and all other pleadings and papers filed in this action, and upon such other matters or arguments as may be presented to the Court at the time of the hearing.

This motion is made following the parties' good faith efforts to meet and confer by written communication and by telephone on November 22, 2024.

Beyond Better Foods requests oral argument.

Dated: November 27, 2024

Respectfully submitted,

BRAUNHAGEY & BORDEN LLP

By: /s/ David H. Kwasniewski  
David H. Kwasniewski

*Attorneys for Defendant  
Beyond Better Foods, LLC*